

# HOUSE BILL No. 1137

## DIGEST OF INTRODUCED BILL

**Citations Affected:** IC 2-5-1.1-12.1; IC 4-4-29-6; IC 4-5-10; IC 4-13; IC 4-13.6-5-8; IC 4-23-16; IC 4-34-3-4; IC 5-2-6-3.5; IC 5-3-1-6; IC 5-14; IC 5-15-5.1; IC 5-21; IC 5-22; IC 5-27; IC 6-8.1-3-16; IC 10-13-3-36; IC 20-10.1; IC 20-12-12; IC 22-4-19-6.5; IC 24-3-5.4-14; IC 25-1-5-10; IC 34-30-2-16.

**Synopsis:** Information technology department. Creates the information technology department (department). Transfers to the department the powers, duties, rules, personnel, funds, and equipment of the division of information technology of the department of administration, the information technology oversight committee, the intelnet commission, and the enhanced data access review committee. Provides for the department to be headed by a chief information officer. Makes conforming changes. Provides that the chief information officer is to participate in decisions made by the higher education telecommunications system. Repeals the statutes establishing the state information oversight commission, the information technology advisory committee, the intelnet commission, and the enhanced data access review committee.

**Effective:** July 1, 2005.

**Murphy**

January 4, 2005, read first time and referred to Committee on Technology, Research, and Development.

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Introduced

First Regular Session 114th General Assembly (2005)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2004 Regular Session of the General Assembly.

## HOUSE BILL No. 1137

A BILL FOR AN ACT to amend the Indiana Code concerning state offices and administration.

*Be it enacted by the General Assembly of the State of Indiana:*

1 SECTION 1. IC 2-5-1.1-12.1 IS AMENDED TO READ AS  
2 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12.1. The legislative  
3 council may contract with the ~~intelenet commission established by~~  
4 ~~IC 5-21-2-1~~ **information technology department** or another public or  
5 private person to provide video or audio coverage, or both, over the  
6 Internet or another broadcast medium of any of the following:

7 (1) Sessions of the general assembly.

8 (2) Other legislative activities authorized by the legislative  
9 council.

10 SECTION 2. IC 4-4-29-6 IS AMENDED TO READ AS FOLLOWS  
11 [EFFECTIVE JULY 1, 2005]: Sec. 6. The council shall do the  
12 following:

13 (1) Assist in developing goals and objectives for the tourism  
14 division of the department, including the following:

15 (A) Development of Indiana's agricultural and horticultural  
16 base.

17 (B) Job creation and retention in rural Indiana.

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- 1 (C) Development of agritourism opportunities to provide
- 2 additional income for Indiana's agricultural and horticultural
- 3 workers.
- 4 (D) Product development, including the creation of outlets for
- 5 the sale of crafts, foods, and other items produced in Indiana.
- 6 (E) Preservation and development of historic rural resources
- 7 in Indiana.
- 8 (F) Local, national, and international direct marketing to
- 9 increase revenue and enhance the viability of agricultural,
- 10 horticultural, and agribusiness operations in Indiana.
- 11 (G) Public education about the impact of agriculture and
- 12 horticulture on a community's quality of life.
- 13 (H) Capital and business assistance for agricultural,
- 14 horticultural, and agribusiness workers to increase the
- 15 viability, sustainability, and growth of agritourism businesses
- 16 and services in Indiana.
- 17 (2) Establish advisory groups to make recommendations to the
- 18 department on tourism research, development, and marketing.
- 19 (3) Analyze the results and effectiveness of grants made by the
- 20 department.
- 21 (4) Build commitment and unity among tourism industry groups.
- 22 (5) Create a forum for sharing talent, resources, and ideas
- 23 regarding tourism.
- 24 (6) Encourage public and private participation necessary for the
- 25 promotion of tourism.
- 26 (7) Promote agritourism in Indiana to national and international
- 27 visitors.
- 28 (8) Sustain the viability and growth of the agritourism industry in
- 29 Indiana.
- 30 (9) Establish and promote an Internet web site that is linked to the
- 31 computer gateway administered by the ~~intelenet commission~~
- 32 **under IC 5-21-2 information technology department** and known
- 33 as accessIndiana.
- 34 (10) Create regional agritourism development plans for the twelve
- 35 regional offices of the department.
- 36 (11) Coordinate efforts to educate the public about agritourism
- 37 and Indiana's agricultural heritage and history.
- 38 (12) Provide information concerning funding opportunities,
- 39 including grants, loans, and partnerships, to persons who are
- 40 interested in starting an agritourism business or who operate an
- 41 agritourism business.
- 42 (13) Make recommendations to the department and the general

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assembly regarding any matter involving agritourism.  
Recommendations to the general assembly under this subdivision  
must be reported in an electronic format under IC 5-14-6.

(14) Generate economic vitality and tourism activity for Indiana.

(15) Position Indiana as the recognized agritourism center of the  
nation.

(16) Make recommendations to the department regarding any  
matter involving tourism.

SECTION 3. IC 4-5-10-1 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2005]: Sec. 1. The ~~intelenet commission~~  
~~established under IC 5-21-2 or the state enhanced data access review~~  
~~committee under IC 5-21-6~~ **information technology department** and  
the secretary of state shall establish policies and procedures for  
providing electronic and enhanced access under this chapter to create  
and maintain uniform policies and procedures for electronic and  
enhanced access by the public.

SECTION 4. IC 4-5-10-3 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2005]: Sec. 3. Electronic and enhanced access  
to information shall be provided through the computer gateway  
administered by the ~~intelenet commission under IC 5-21-2.~~  
**information technology department.**

SECTION 5. IC 4-13-1-4 IS AMENDED TO READ AS FOLLOWS  
[EFFECTIVE JULY 1, 2005]: Sec. 4. The department shall, subject to  
this chapter, do the following:

(1) Execute and administer all appropriations as provided by law,  
and execute and administer all provisions of law that impose  
duties and functions upon the executive department of  
government, including executive investigation of state agencies  
supported by appropriations and the assembly of all required data  
and information for the use of the executive department and the  
legislative department.

(2) Supervise and regulate the making of contracts by state  
agencies.

(3) Perform the property management functions required by  
IC 4-20.5-6.

(4) Assign office space and storage space for state agencies in the  
manner provided by IC 4-20.5-5.

(5) Maintain and operate the following for state agencies:

- (A) Central duplicating.
- (B) Printing.
- (C) Machine tabulating.
- (D) Mailing services.

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(E) Centrally available supplemental personnel and other essential supporting services.

~~(F) Information services.~~

~~(G) Telecommunication services.~~

The department may require state agencies to use these general services in the interests of economy and efficiency. The general services rotary fund ~~the telephone rotary fund, and the data processing rotary fund~~ ~~are~~ ~~is~~ established through which these services may be rendered to state agencies. The budget agency shall determine the amount for ~~each~~ the rotary fund.

(6) Control and supervise the acquisition, operation, maintenance, and replacement of state owned vehicles by all state agencies. The department may establish and operate, in the interest of economy and efficiency, a motor vehicle pool, and may finance the pool by a rotary fund. The budget agency shall determine the amount to be deposited in the rotary fund.

(7) Promulgate and enforce rules relative to the travel of officers and employees of all state agencies when engaged in the performance of state business. These rules may allow reimbursement for travel expenses by any of the following methods:

(A) Per diem.

(B) For expenses necessarily and actually incurred.

(C) Any combination of the methods in clauses (A) and (B).

The rules must require the approval of the travel by the commissioner and the head of the officer's or employee's department prior to payment.

(8) Administer IC 4-13.6.

(9) Prescribe the amount and form of certified checks, deposits, or bonds to be submitted in connection with bids and contracts when not otherwise provided for by law.

(10) Rent out, with the approval of the governor, any state property, real or personal:

(A) not needed for public use; or

(B) for the purpose of providing services to the state or employees of the state;

the rental of which is not otherwise provided for or prohibited by law. Property may not be rented out under this subdivision for a term exceeding ten (10) years at a time. However, if property is rented out for a term of more than four (4) years, the commissioner must make a written determination stating the reasons that it is in the best interests of the state to rent property

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for the longer term. This subdivision does not include the power to grant or issue permits or leases to explore for or take coal, sand, gravel, stone, gas, oil, or other minerals or substances from or under the bed of any of the navigable waters of the state or other lands owned by the state.

(11) Have charge of all central storerooms, supply rooms, and warehouses established and operated by the state and serving more than one (1) agency.

(12) Enter into contracts and issue orders for printing as provided by IC 4-13-4.1.

(13) Sell or dispose of surplus property under IC 5-22-22, or if advantageous, to exchange or trade in the surplus property toward the purchase of other supplies, materials, or equipment, and to make proper adjustments in the accounts and inventory pertaining to the state agencies concerned.

(14) With respect to power, heating, and lighting plants owned, operated, or maintained by any state agency:

(A) inspect;

(B) regulate their operation; and

(C) recommend improvements to those plants to promote economical and efficient operation.

(15) Administer, determine salaries, and determine other personnel matters of the department of correction ombudsman bureau established by IC 4-13-1.2-3.

SECTION 6. IC 4-13-16.2 IS ADDED TO THE INDIANA CODE AS A NEW CHAPTER TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]:

**Chapter 16.2. AccessIndiana**

**Sec. 1. For purposes of this chapter, "department" refers to the information technology department established by IC 4-23-16-1.5.**

**Sec. 2. The department shall implement a comprehensive statewide digital telecommunication system known as accessIndiana derived from a strategic planning process and coordinated through the department by working with public agencies and private sector organizations to provide internet service.**

**Sec. 3. The department shall enter into a competitively bid contract with a network manager to provide for the development, operation, maintenance, and expansion of electronic transactions with a public agency and electronic information access from a public agency.**

**Sec. 4. The department shall design, develop, contract for, and**

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manage statewide, integrated telecommunication networks and information technology services that economically, efficiently, and effectively meet the needs of authorized users as determined by the department. When technically possible and cost efficient, the system shall use facilities of the certificated local exchange telephone companies. AccessIndiana may include the following:

- (1) A statewide voice network.
- (2) Voice connections into each county in the state.
- (3) Interfacing with out-of-state voice facilities.
- (4) Lines to connect computers and terminals.
- (5) High speed data switching capacity.
- (6) Data connections into each county in the state.
- (7) A statewide broadcast network for video signals.
- (8) Two-way video conferencing capacity.
- (9) Internet purchasing sites.
- (10) Other telecommunication and information technology services approved by the commission.

The department shall provide accessIndiana solely to carry out or to facilitate the carrying out of the essential public, educational, and governmental functions of authorized users.

Sec. 5. The department may provide authorized users with any administrative support services, technical assistance, materials, or supplies that are necessary or incident to determining whether to become a user of accessIndiana.

Sec. 6. The department may provide technical information and assistance for the coordination, planning, allocation, procurement, or management of accessIndiana to an authorized user when requested by the user.

Sec. 7. The department shall set policies, standards, procedures, and other requirements for accessIndiana for the department's relationship with suppliers for accessIndiana, and for the provision of services through accessIndiana to authorized users.

Sec. 8. The department shall determine the timetable by which accessIndiana becomes available to an authorized user and the extent to which services of accessIndiana will be provided to an authorized user.

Sec. 9. The department may carry out its responsibilities with:

- (1) funds appropriated by the general assembly;
- (2) funds derived from the commission's revenues in the accessIndiana rotary fund established by IC 4-23-16-1.7;
- (3) federal funds granted to the commission; and
- (4) funds available from any other source, including gifts or

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bequests.

Sec. 10. (a) The department and an authorized user may negotiate an accessIndiana services agreement. The accessIndiana services agreement:

- (1) must set forth the terms and conditions for the delivery of accessIndiana services;
- (2) must set forth the amounts agreed to be paid at stated intervals for accessIndiana services;
- (3) may contain an option to renew the agreement for successive periods, each not to exceed five (5) years;
- (4) may not provide for payment of sums for accessIndiana services until the accessIndiana services are available to the authorized user; and
- (5) may contain any other provisions agreeable to the department and the authorized user.

(b) In determining the amounts to be paid by an authorized user to the department, the department shall impose and collect amounts that in the aggregate will be sufficient to pay the expenses of the operation of accessIndiana services, and the maintenance and repair of related property, to the extent that the expenses are not otherwise provided.

Sec. 11. Notwithstanding any other law, an authorized user may enter into an agreement with the department to utilize accessIndiana or related technical and administrative support services without publishing or posting a notice or complying with any competitive bidding laws. An agreement with the department may be for an initial term not exceeding five (5) years and may be renewed for successive periods, each not to exceed five (5) years.

Sec. 12. The department of administration may negotiate and execute an accessIndiana services agreement for one (1) or more state agencies or branches of state government or for one (1) or more other requesting authorized users.

SECTION 7. IC 4-13-17-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "Internet purchasing site" means an open and interactive electronic environment that is:

- (1) designed to facilitate the purchase and sale of supplies conducted under IC 5-22;
- (2) approved and managed by the department; and
- (3) linked to the electronic gateway administered by the ~~internet~~ **commission established by IC 5-21-2-1. information technology department.**

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SECTION 8. IC 4-13-17-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The department shall provide authorized users and the public with access to Internet purchasing sites by links to the electronic gateway administered by the ~~intelenet commission~~ **information technology department**.

SECTION 9. IC 4-13-17-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. The following shall cooperate with the department to implement this chapter:

- (1) The ~~intelenet commission~~ **information technology department**.
- (2) The state board of accounts.
- (3) The attorney general.
- (4) The auditor of state.

SECTION 10. IC 4-13.6-5-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) This section applies only to public works contracts bid under section 2 of this chapter.

(b) The division shall solicit sealed bids by public notice inserted once each week for two (2) successive weeks before the final date of submitting bids in:

- (1) one (1) newspaper of general circulation in Marion County, Indiana; and
- (2) if any part of the project is located in an area outside Marion County, Indiana, one (1) newspaper of general circulation in that area.

The commissioner shall designate the newspapers for these publications. The commissioner may designate different newspapers according to the nature of the project and may direct that additional notices be published.

(c) The division shall also solicit sealed bids for public works projects by:

- (1) sending notices by mail to prospective contractors known to the division;
- (2) posting notices on a public bulletin board in its office; and
- (3) providing electronic access to notices through the computer gateway administered by the ~~intelenet commission under IC 5-21-2~~ **information technology department**;

at least seven (7) days before the final date for submitting bids for the public works project.

SECTION 11. IC 4-23-16-0.5 IS ADDED TO THE INDIANA CODE AS A **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 0.5. For purposes of this chapter,**

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"state agency" has the meaning set forth in IC 4-13-1-1.

SECTION 12. IC 4-23-16-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.5. The information technology department (referred to as "the department" in this chapter) is established for the following purposes:**

- (1) Align the technology infrastructure of the state.
- (2) Stabilize lines of information technology management within government.
- (3) Focus state information technology services to improve the level of service to the citizens and lower the costs of providing information technology services.
- (4) Bring the best technology solutions to bear on state technology applications.
- (5) Improve and expand government services provided electronically.
- (6) Make it easy for the state to do business with the greatest security possible.
- (7) Provide security for all state technological operations.

SECTION 13. IC 4-23-16-1.6 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 1.6. (a) State agencies shall use information and telecommunications services provided by the department.**

**(b) The following entities may, with the consent of the chief information officer, use the services of the department:**

- (1) The judicial department of state government.
- (2) The legislative department of state government.
- (3) A state educational institution, as defined in IC 20-12-0.5-1.
- (4) A political subdivision, as defined in IC 36-1-2-13.
- (5) A body corporate and politic created by statute.

**(c) State agencies shall submit all budget requests relating to information technology expenditures to the department for review and approval prior to submission to the budget agency in preparation of requests for appropriations.**

**(d) State agencies shall submit each request to make a purchase of technology equipment or programs costing five hundred thousand dollars (\$500,000) or more to the department for approval before making the purchase. The requirements of this subsection are in addition to the purchasing requirements of IC 5-21 and rules adopted by the department of administration for**

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1 **making purchases.**

2 SECTION 14. IC 4-23-16-1.7 IS ADDED TO THE INDIANA  
3 CODE AS A NEW SECTION TO READ AS FOLLOWS  
4 [EFFECTIVE JULY 1, 2005]: **Sec 1.7. (a) The:**

- 5 **(1) data processing rotary fund;**  
6 **(2) telephone rotary fund; and**  
7 **(3) accessIndiana rotary fund;**

8 **are established to be used to provide services to state agencies. The**  
9 **department shall administer the funds established by this**  
10 **subsection.**

11 **(b) The budget agency shall determine the amount of funding**  
12 **for each rotary fund established by subsection (a).**

13 SECTION 15. IC 4-23-16-1.8 IS ADDED TO THE INDIANA  
14 CODE AS A NEW SECTION TO READ AS FOLLOWS  
15 [EFFECTIVE JULY 1, 2005]: **Sec. 1.8. (a) For purposes of this**  
16 **section, "council" mans the information technology leadership**  
17 **council created by subsection (b).**

18 **(b) The information technology leadership council is created to**  
19 **advise the chief information officer of the department when the**  
20 **chief information officer seeks advice.**

21 **(c) The council consists of the following members:**

- 22 **(1) The chief information officer of the department who shall**  
23 **serve as chairperson of the council.**  
24 **(2) A member of the attorney general's staff to be appointed**  
25 **by the attorney general.**  
26 **(3) A member of the auditor's staff to be appointed by the**  
27 **auditor.**  
28 **(4) The director of the budget agency or the director's**  
29 **designee.**  
30 **(5) The commissioner of the Indiana department of**  
31 **administration or the commissioner's designee.**

32 **(d) The council shall meet at the call of the chairman.**

33 SECTION 16. IC 4-23-16-4 IS AMENDED TO READ AS  
34 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4. (a) The staff of the**  
35 **~~commission~~ department shall assist the ~~commission~~ chief**  
36 **information officer appointed under section 4.1 of this chapter in**  
37 **implementing this chapter.**

38 **(b) The ~~commission~~ department shall create, from existing state**  
39 **agency personnel or other individuals and organizations, any additional**  
40 **groups or committees necessary to carry out its responsibilities.**

41 SECTION 17. IC 4-23-16-4.1 IS AMENDED TO READ AS  
42 FOLLOWS [EFFECTIVE JULY 1, 2005]: **Sec. 4.1. (a) The governor**

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shall appoint an executive director of the commission a chief information officer of the department, who serves at the governor's pleasure. The commission shall advise the governor in the selection of the executive director.

(b) Subject to the approval of the commission, The executive director chief information officer may do the following:

(1) Employ staff for the department necessary to advise and assist the commission chief information officer as required by this chapter.

(2) Fix compensation of staff according to the policies currently enforced by the budget agency and the state personnel department.

(3) Engage experts and consultants to assist the commission department.

(4) Expend funds made available to the staff department according to the policies established by the budget agency.

(5) Establish policies, procedures, standards, and criteria necessary to carry out the duties of the staff of the commission department.

(c) The chief information officer is responsible for the strategic planning and the architecture of all information technology functions of state government. The chief information officer shall do the following:

(1) Develop and oversee a security system to protect information technology used by all state agencies.

(2) Provide resources to assist state agencies in finding solutions to information technology issues facing agencies in:

(A) internal structure; and

(B) interaction with the public.

(3) Develop a data warehousing system for information collected and used by state agencies.

(4) Provide leadership concerning:

(A) finance;

(B) procurement;

(C) asset inventory; and

(D) accountability;

for all information technology areas and issues facing state agencies.

(5) Seek funding for technology services from the following:

(A) Grants.

(B) Federal sources.

(C) Gifts, donations, and bequests.

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1 (D) Partnerships with other governmental entities or the  
2 private sector.

3 (E) Appropriations.

4 (F) Any other source of funds.

5 (d) State agencies shall consult with the chief information officer  
6 concerning the hiring of agency information technology directors.

7 SECTION 18. IC 4-23-16-4.2 IS AMENDED TO READ AS  
8 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4.2. (a) Subject to the  
9 direction of the ~~commission~~, **chief information officer**, the staff of the  
10 **department** shall do the following:

11 (1) Provide technical staff support services to the ~~commission~~  
12 **department**.

13 (2) Monitor trends and advances in information technology.

14 (3) Develop an overall strategy and architecture for the use of  
15 information technology in state government.

16 (4) Coordinate state information technology master planning.

17 (5) Review and recommend actions to the ~~commission~~ **chief**  
18 **information officer** on project requests, contracts, and technical  
19 documents.

20 (6) Provide consulting and technical advisory services to state  
21 agencies.

22 (7) Monitor agency information technology activities.

23 (8) Review information technology project plans and budget  
24 requests.

25 (9) Develop and maintain policies, procedures, and guidelines for  
26 the effective use of information technology.

27 (10) Monitor information technology legislation and recommend  
28 needed legislation to the ~~commission~~ **chief information officer**.

29 (11) Conduct periodic management reviews of information  
30 technology activities within state agencies.

31 (12) Maintain an inventory of information technology resources  
32 and expenditures.

33 (13) Perform other related functions and duties ~~that are requested~~  
34 **as directed** by the ~~commission~~ **chief information officer**.

35 (b) The ~~commission~~ **chief information officer** may require a  
36 director of information technology services or other knowledgeable  
37 individuals employed by an agency to advise and assist the staff of the  
38 **department** in carrying out the ~~commission's~~ **department's** functions.

39 SECTION 19. IC 4-23-16-5 IS AMENDED TO READ AS  
40 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) As used in this  
41 chapter, "information technology" includes the resources, technologies,  
42 and services associated with the fields of:

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- (1) information processing;
- (2) office automation; and
- (3) telecommunication facilities and networks.

(b) It shall be the responsibility of the ~~commission~~ **department** to coordinate the operations of the various information technology systems within the executive, including the administrative, branch of state government insofar as is possible without infringing upon the prerogatives of the separately elected state officials. The objectives of the ~~commission~~ **department** shall be to develop consistent policy and to promote economical, effective, and integrated information technology services, technology accessibility, operational security, and adherence to the principles of the code of fair information practices for individual privacy.

SECTION 20. IC 4-23-16-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. The ~~commission~~ **department** shall develop and maintain policy and administrative procedures and shall distribute the operational rules of the ~~commission~~ **department** to all affected agencies.

SECTION 21. IC 4-23-16-7 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 7. The ~~commission~~ **department** shall:

- (1) review the status of all major projects under implementation;
- (2) continuously monitor the quality and timeliness of the state's operations; and
- (3) except in the case of separately elected state officials, control new application projects by approving, modifying, deferring or rejecting project proposals.

SECTION 22. IC 4-23-16-8 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 8. (a) Except as provided in subsection (b), all:

- (1) requests and contracts for information technology consultants and contractors; ~~att~~
- (2) requests and contracts for facilities management contractors; ~~att~~
- (3) requests and contracts for computer equipment or software rental, lease, or acquisition; and ~~att~~
- (4) requests for the sharing of either data or systems with any other agency of state, local, or federal government or with any nongovernmental entity;

must be submitted to the ~~commission~~, **department**, or to the designee of the ~~commission~~, **department**, for review and approval. The ~~commission~~ **department** may not approve a request or contract

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submitted under this section unless the request or contract complies with the accessibility standards developed under section 12 of this chapter.

(b) Contracts by separately elected state officials are subject to review and comment by the ~~commission~~ **department** but are not subject to the approval of the ~~commission~~ **department**. A contract by a separately elected state official must be submitted for review and comment by the ~~commission~~, **department**, or by a designee of the ~~commission~~, **department**, at least thirty (30) days before it is approved under IC 4-13-2-14.1.

SECTION 23. IC 4-23-16-9 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 9. All agencies in the executive, including the administrative, branch of state government shall annually submit to the ~~commission~~ **department** an information technology resource inventory to include all information technology hardware, software, technical personnel and information technology contracts.

SECTION 24. IC 4-23-16-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. The ~~commission~~ **department** shall conduct such studies and reviews as it deems necessary to provide high quality, cost effective information technology within state government, with adequate protections of the individual citizen's interests in personal privacy. ~~It~~ **The department** shall recommend to the appropriate state official, the governor, or the legislature any necessary changes in information technology within state government.

SECTION 25. IC 4-23-16-12 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 12. (a) The ~~commission~~ **chief information officer appointed under section 4.1 of this chapter** shall appoint a group to develop standards that are compatible with principles and goals contained in the electronic and information technology accessibility standards adopted by the architectural and transportation barriers compliance board under Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended. The ~~commission~~ **department** shall adopt rules under IC 4-22-2 concerning the standards developed under this section. Those standards must conform with the requirements of Section 508 of the federal Rehabilitation Act of 1973 (29 U.S.C. 794d), as amended.

(b) The group **appointed under subsection (a)** shall consist, at minimum, of the following:

- (1) A representative of an organization with experience in and knowledge of assistive technology policy.

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(2) An individual with a disability.

(3) Representatives of the judicial and legislative branches of state government.

(4) Representatives of the administrative branch of state government.

(5) At least three (3) representatives of local units of government.

(c) If an agency cannot immediately follow the information technology accessibility standards **without incurring undue burden**, it shall submit a plan ~~for undue burden~~ with timelines for **later** compliance ~~and the~~ **with the standards**. A plan **submitted under this subsection** must provide alternative means for accessibility during the period **when the plan will be in effect**.

(d) Notwithstanding any law, the standards developed under subsection (a) apply to the executive, legislative, judicial, and administrative branches of state and local government.

SECTION 26. IC 4-34-3-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. Money in the fund shall be allocated annually to the ~~intelenet commission~~ ~~(IC 5-21-2-1)~~ **information technology department** to make matching grants to school corporations or to make payments directly to vendors for Internet connections and related equipment for a school corporation. The ~~intelenet~~ commission shall develop a plan to implement grants under this section. The budget committee shall review the plan. The budget agency must approve of the plan.

SECTION 27. IC 5-2-6-3.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) The sex and violent offender directory established under section 3 of this chapter must include the names of each offender who is or has been required to register under IC 5-2-12.

(b) The institute shall do the following:

(1) Update the directory at least one (1) time every six (6) months.

(2) Publish the directory on the Internet through the computer gateway administered by the ~~intelenet commission under IC 5-21-2~~ **information technology department** and known as accessIndiana.

(3) Make the directory available on a computer disk and, at least one (1) time every six (6) months, send a copy of the computer disk to the following:

(A) All school corporations (as defined in IC 20-1-6-1).

(B) All nonpublic schools (as defined in IC 20-10.1-1-3).

(C) All state agencies that license individuals who work with children.

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(D) The state personnel department to screen individuals who may be hired to work with children.

(E) All child care facilities licensed by or registered in the state.

(F) Other entities that:

(i) provide services to children; and

(ii) request the directory.

(4) Maintain a hyperlink on the institute's computer web site that permits users to connect to the Indiana sheriffs' sex offender registry web site established under IC 36-2-13-5.5.

(5) Make a paper copy of the directory available upon request.

(c) A copy of the directory:

(1) provided to a child care facility under subsection (b)(3)(E);

(2) provided to another entity that provides services to children under subsection (b)(3)(F); or

(3) that is published on the Internet under subsection (b)(2);

must include the home address of an offender whose name appears in the directory.

(d) When the institute publishes on the Internet or distributes a copy of the directory under subsection (b), the institute shall include a notice using the following or similar language:

"Based on information submitted to the criminal justice institute, a person whose name appears in this directory has been convicted of a sex offense or a violent offense or has been adjudicated a delinquent child for an act that would be a sex offense or violent offense if committed by an adult."

SECTION 28. IC 5-3-1-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) In all cases where notices are required by law to be published in the public newspaper by or under the supervision of any state officer, board, commission, or institution of the state of Indiana, said notices are hereby required to be published in each of two (2) daily newspapers published in the city of Indianapolis and in such other cities as is required by law, said notices to be in all cases published in two (2) newspapers in each city where they are required to be published. In all cases where the officer, board, commission, or institution making said publication is located outside of the city of Indianapolis, said notices shall also be published in newspapers published within the county where said officer, board, commission, or institution maintains its office. The rate charged for all such notices and advertising shall be the same as is set out in section 1 of this chapter.

(b) In addition to the requirements of subsection (a), a state officer,

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board, commission, or institution of the state of Indiana that is required by law to publish a notice of a public meeting shall also provide electronic access to the notice through the computer gateway administered by the ~~intelenet commission under IC 5-21-2~~ **information technology department.**

SECTION 29. IC 5-14-1.5-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Public notice of the date, time, and place of any meetings, executive sessions, or of any rescheduled or reconvened meeting, shall be given at least forty-eight (48) hours (excluding Saturdays, Sundays, and legal holidays) before the meeting. This requirement does not apply to reconvened meetings (not including executive sessions) where announcement of the date, time, and place of the reconvened meeting is made at the original meeting and recorded in the memoranda and minutes thereof, and there is no change in the agenda.

(b) Public notice shall be given by the governing body of a public agency by:

(1) posting a copy of the notice at the principal office of the public agency holding the meeting or, if no such office exists, at the building where the meeting is to be held; and

(2) delivering notice to all news media which deliver by January 1 an annual written request for such notices for the next succeeding calendar year to the governing body of the public agency. The governing body shall give notice by one (1) of the following methods:

(A) Depositing the notice in the United States mail with postage prepaid.

(B) Transmitting the notice by electronic mail.

(C) Transmitting the notice by facsimile (fax).

If a governing body comes into existence after January 1, it shall comply with this subdivision upon receipt of a written request for notice.

In addition, a state agency (as defined in IC 4-13-1-1) shall provide electronic access to the notice through the computer gateway administered by the ~~intelenet commission under IC 5-21-2~~ **information technology department.**

(c) Notice of regular meetings need be given only once each year, except that an additional notice shall be given where the date, time, or place of a regular meeting or meetings is changed. This subsection does not apply to executive sessions.

(d) If a meeting is called to deal with an emergency involving actual or threatened injury to person or property, or actual or threatened

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1 disruption of the governmental activity under the jurisdiction of the  
 2 public agency by any event, then the time requirements of notice under  
 3 this section shall not apply, but:

4 (1) news media which have requested notice of meetings must be  
 5 given the same notice as is given to the members of the governing  
 6 body; and

7 (2) the public must be notified by posting a copy of the notice  
 8 according to this section.

9 (e) This section shall not apply where notice by publication is  
 10 required by statute, ordinance, rule, or regulation.

11 (f) This section shall not apply to:

12 (1) the department of local government finance, the Indiana board  
 13 of tax review, or any other governing body which meets in  
 14 continuous session, except that this section applies to meetings of  
 15 these governing bodies which are required by or held pursuant to  
 16 statute, ordinance, rule, or regulation; or

17 (2) the executive of a county or the legislative body of a town if  
 18 the meetings are held solely to receive information or  
 19 recommendations in order to carry out administrative functions,  
 20 to carry out administrative functions, or confer with staff  
 21 members on matters relating to the internal management of the  
 22 unit. "Administrative functions" do not include the awarding of  
 23 contracts, the entering into contracts, or any other action creating  
 24 an obligation or otherwise binding a county or town.

25 (g) This section does not apply to the general assembly.

26 (h) Notice has not been given in accordance with this section if a  
 27 governing body of a public agency convenes a meeting at a time so  
 28 unreasonably departing from the time stated in its public notice that the  
 29 public is misled or substantially deprived of the opportunity to attend,  
 30 observe, and record the meeting.

31 SECTION 30. IC 5-14-3-3.5 IS AMENDED TO READ AS  
 32 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.5. (a) As used in this  
 33 section, "state agency" has the meaning set forth in IC 4-13-1-1. The  
 34 term does not include the office of the following elected state officials:

35 (1) Secretary of state.

36 (2) Auditor.

37 (3) Treasurer.

38 (4) Attorney general.

39 (5) Superintendent of public instruction.

40 However, each state office described in subdivisions (1) through (5)  
 41 and the judicial department of state government may use the computer  
 42 gateway administered by the ~~intelenet~~ ~~commission~~ ~~established~~ ~~under~~

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1 ~~IC 5-21-2~~, **information technology department** subject to the  
2 requirements of this section.

3 (b) As an additional means of inspecting and copying public  
4 records, a state agency may provide enhanced access to public records  
5 maintained by the state agency.

6 (c) If the state agency has entered into a contract with a third party  
7 under which the state agency provides enhanced access to the person  
8 through the third party's computer gateway or otherwise, all of the  
9 following apply to the contract:

10 (1) The contract between the state agency and the third party must  
11 provide for the protection of public records in accordance with  
12 subsection (d).

13 (2) The contract between the state agency and the third party may  
14 provide for the payment of a reasonable fee to the state agency by  
15 either:

16 (A) the third party; or

17 (B) the person.

18 (d) A contract required by this section must provide that the person  
19 and the third party will not engage in the following:

20 (1) Unauthorized enhanced access to public records.

21 (2) Unauthorized alteration of public records.

22 (3) Disclosure of confidential public records.

23 (e) A state agency shall provide enhanced access to public records  
24 only through the computer gateway administered by the intelenet  
25 commission established under IC 5-21-2, except as permitted by the  
26 ~~data process oversight commission established under IC 4-23-16-1~~.  
27 **information technology department.**

28 SECTION 31. IC 5-14-3-3.6 IS AMENDED TO READ AS  
29 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3.6. (a) As used in this  
30 section "public agency" does not include a state agency (as defined in  
31 section 3.5(a) of this chapter).

32 (b) As an additional means of inspecting and copying public  
33 records, a public agency may provide enhanced access to public  
34 records maintained by the public agency.

35 (c) A public agency may provide a person with enhanced access to  
36 public records if any of the following apply:

37 (1) The public agency provides enhanced access to the person  
38 through its own computer gateway and provides for the protection  
39 of public records under subsection (d).

40 (2) The public agency has entered into a contract with a third  
41 party under which the public agency provides enhanced access to  
42 the person through the third party's computer gateway or

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otherwise, and the contract between the public agency and the third party provides for the protection of public records in accordance with subsection (d).

(d) A contract entered into under this section and any other provision of enhanced access must provide that the third party and the person will not engage in the following:

- (1) Unauthorized enhanced access to public records.
- (2) Unauthorized alteration of public records.
- (3) Disclosure of confidential public records.

(e) A contract entered into under this section or any provision of enhanced access may require the payment of a reasonable fee to either the third party to a contract or to the public agency, or both, from the person.

(f) A public agency may provide enhanced access to public records through the computer gateway administered by the ~~internet commission established under IC 5-21-2~~ **information technology department.**

SECTION 32. IC 5-15-5.1-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) Subject to approval by the oversight committee on public records created by section 18 of this chapter, the commission shall do the following:

- (1) Establish a forms management program for state government and approve the design, typography, format, logo, data sequence, form analysis, form number, and agency file specifications of each form.
- (2) Establish a central state form numbering system and a central cross index filing system of all state forms, and standardize, consolidate, and eliminate, wherever possible, forms used by state government.
- (3) Approve, provide, and in the manner prescribed by IC 5-22, purchase photo-ready copy for all forms.
- (4) Establish a statewide records management program, prescribing the standards and procedures for record making and record keeping. However, the investigative and criminal history records of the state police department are exempted from this requirement.
- (5) Coordinate utilization of all micrographics equipment in state government.
- (6) Assist the Indiana department of administration in coordinating utilization of all duplicating and printing equipment in the executive and administrative branches.
- (7) Advise the Indiana department of administration with respect

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to the purchase of all records storage equipment.

(8) Establish and operate a distribution center for the receipt, storage, and distribution of all material printed for an agency.

(9) Establish and operate a statewide archival program to be called the Indiana state archives for the permanent government records of the state, provide consultant services for archival programs, conduct surveys, and provide training for records coordinators.

(10) Establish and operate a statewide record preservation laboratory.

(11) Prepare, develop, and implement record retention schedules.

(12) Establish and operate a central records center to be called the Indiana state records center, which shall accept all records transferred to it, provide secure storage and reference service for the same, and submit written notice to the applicable agency of intended destruction of records in accordance with approved retention schedules.

(13) Demand, from any person or organization or body who has illegal possession of original state or local government records, those records, which shall be delivered to the commission.

(14) Have the authority to examine all forms and records housed or possessed by state agencies for the purpose of fulfilling the provisions of this chapter.

(15) In coordination with the ~~data processing oversight commission created under IC 4-23-16~~, **information technology department**, establish standards to ensure the preservation of adequate and permanent computerized and auxiliary automated information records of the agencies of state government.

(16) Notwithstanding IC 5-14-3-8, establish a schedule of fees for services provided to patrons of the Indiana state archives. A copying fee established under this subdivision may exceed the copying fee set forth in IC 5-14-3-8(c).

(b) In implementing a forms management program, the commission shall follow procedures and forms prescribed by the federal government.

(c) Fees collected under subsection (a)(16) shall be deposited in the state archives preservation and reproduction account established by section 5.3 of this chapter.

SECTION 33. IC 5-15-5.1-18 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 18. (a) The oversight committee on public records consists ex officio of:

(1) the governor or ~~his~~ **the governor's** designee;

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- 1 (2) the secretary of state or ~~his~~ **the secretary's** designee;  
 2 (3) the state examiner of the state board of accounts or ~~his~~ **the**  
 3 **state examiner's** designee;  
 4 (4) the director of the **Indiana** state library;  
 5 (5) the director of the **Indiana** historical bureau;  
 6 (6) the director of the commission on public records;  
 7 (7) the commissioner of the **Indiana** department of administration  
 8 or ~~his~~ **the commissioner's** designee;  
 9 (8) the public access counselor; and  
 10 (9) the ~~executive director of the data processing oversight~~  
 11 ~~commission~~ **chief information officer of the information**  
 12 **technology department** or the ~~executive director's~~ **chief**  
 13 **information officer's** designee.

14 (b) The oversight committee also consists of two (2) lay members  
 15 appointed by the governor for a term of four (4) years. One (1) lay  
 16 member shall be a professional journalist or be a member of an  
 17 association related to journalism.

18 (c) The oversight committee shall elect one (1) of its members to be  
 19 chairman. The director of the commission on public records shall be  
 20 the secretary of the committee. The ex officio members of the oversight  
 21 committee shall serve without compensation and shall receive no  
 22 reimbursement for any expense which they may incur. Each lay  
 23 member is entitled to reimbursement for traveling and other expenses  
 24 as provided in the state travel policies and procedures, established by  
 25 the department of administration and approved by the ~~state~~ budget  
 26 agency and each lay member is entitled to the minimum salary per  
 27 diem as provided in IC 4-10-11-2.1(b).

28 SECTION 34. IC 5-22-2-13.2 IS ADDED TO THE INDIANA  
 29 CODE AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE  
 30 JULY 1, 2005]: **Sec. 13.2. "Information technology department"**  
 31 **refers to the information technology department established by**  
 32 **IC 4-23-16-1.5.**

33 SECTION 35. IC 5-22-7-5 IS AMENDED TO READ AS  
 34 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) The purchasing  
 35 agency shall give notice of the invitation for bids in the manner  
 36 required by IC 5-3-1.

37 (b) The purchasing agency for a state agency shall also provide  
 38 electronic access to the notice through the electronic gateway  
 39 administered by the ~~intelenet commission~~ **information technology**  
 40 **department.**

41 (c) The purchasing agency for a political subdivision may also  
 42 provide electronic access to the notice through:

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(1) the electronic gateway administered by the ~~intelenet commission~~ **information technology department** as determined by the commission; or

(2) any other electronic means available to the political subdivision.

SECTION 36. IC 5-22-9-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The purchasing agency shall give public notice of the request for proposals in the manner required by IC 5-3-1.

(b) The purchasing agency for a state agency shall also provide electronic access to the notice through the electronic gateway administered by the ~~intelenet commission~~ **information technology department**.

(c) The purchasing agency for a political subdivision may also provide electronic access to the notice through the electronic gateway administered by the ~~intelenet commission as determined by the commission~~ **information technology department**.

SECTION 37. IC 5-27-1-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. This article applies to a governmental body that conducts a transaction through the computer gateway administered by the ~~intelenet commission~~ **information technology department**.

SECTION 38. IC 5-27-3-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. A governmental body may accept electronic payment for a service, a tax, a license, a permit, a fee, information, or any other amount due the governmental body for a transaction conducted through the computer gateway administered by the ~~intelenet commission~~ **information technology department**.

SECTION 39. IC 5-27-3-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) A governmental body may enter into a contract with a provider company to enable the governmental body to accept an electronic payment.

(b) A governmental body must use the provider company provided or specified by the ~~network manager established by the intelenet commission under IC 5-21-2-2(e)~~ **information technology department** to accept an electronic payment submitted to the governmental body as payment for a fee based service, license, or permit or for fee based information obtained through electronic access.

SECTION 40. IC 6-8.1-3-16 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 16. (a) The department shall prepare a list of all outstanding tax warrants for listed taxes each

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month. The list shall identify each taxpayer liable for a warrant by name, address, amount of tax, and either Social Security number or employer identification number. Unless the department renews the warrant, the department shall exclude from the list a warrant issued more than ten (10) years before the date of the list. The department shall certify a copy of the list to the bureau of motor vehicles.

(b) The department shall prescribe and furnish tax release forms for use by tax collecting officials. A tax collecting official who collects taxes in satisfaction of an outstanding warrant shall issue to the taxpayers named on the warrant a tax release stating that the tax has been paid. The department may also issue a tax release:

(1) to a taxpayer who has made arrangements satisfactory to the department for the payment of the tax; or

(2) by action of the commissioner under IC 6-8.1-8-2(k).

(c) The department may not issue or renew:

(1) a certificate under IC 6-2.5-8;

(2) a license under IC 6-6-1.1 or IC 6-6-2.5; or

(3) a permit under IC 6-6-4.1;

to a taxpayer whose name appears on the most recent monthly warrant list, unless that taxpayer pays the tax, makes arrangements satisfactory to the department for the payment of the tax, or a release is issued under IC 6-8.1-8-2(k).

(d) The bureau of motor vehicles shall, before issuing the title to a motor vehicle under IC 9-17, determine whether the purchaser's or assignee's name is on the most recent monthly warrant list. If the purchaser's or assignee's name is on the list, the bureau shall enter as a lien on the title the name of the state as the lienholder unless the bureau has received notice from the commissioner under IC 6-8.1-8-2(k). The tax lien on the title:

(1) is subordinate to a perfected security interest (as defined and perfected in accordance with IC 26-1-9.1); and

(2) shall otherwise be treated in the same manner as other title liens.

(e) The commissioner is the custodian of all titles for which the state is the sole lienholder under this section. Upon receipt of the title by the department, the commissioner shall notify the owner of the department's receipt of the title.

(f) The department shall reimburse the bureau of motor vehicles for all costs incurred in carrying out this section.

(g) Notwithstanding IC 6-8.1-8, a person who is authorized to collect taxes, interest, or penalties on behalf of the department under IC 6-3 or IC 6-3.5 may not, except as provided in subsection (h) or (i),

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1 receive a fee for collecting the taxes, interest, or penalties if:

- 2 (1) the taxpayer pays the taxes, interest, or penalties as  
3 consideration for the release of a lien placed under subsection (d)  
4 on a motor vehicle title; or  
5 (2) the taxpayer has been denied a certificate or license under  
6 subsection (c) within sixty (60) days before the date the taxes,  
7 interest, or penalties are collected.

8 (h) In the case of a sheriff, subsection (g) does not apply if:

- 9 (1) the sheriff collects the taxes, interest, or penalties within sixty  
10 (60) days after the date the sheriff receives the tax warrant; or  
11 (2) the sheriff collects the taxes, interest, or penalties through the  
12 sale or redemption, in a court proceeding, of a motor vehicle that  
13 has a lien placed on its title under subsection (d).

14 (i) In the case of a person other than a sheriff:

- 15 (1) subsection (g)(2) does not apply if the person collects the  
16 taxes, interests, or penalties within sixty (60) days after the date  
17 the commissioner employs the person to make the collection; and  
18 (2) subsection (g)(1) does not apply if the person collects the  
19 taxes, interest, or penalties through the sale or redemption, in a  
20 court proceeding, of a motor vehicle that has a lien placed on its  
21 title under subsection (d).

22 (j) IC 5-14-3-4, IC 6-8.1-7-1, and any other law exempting  
23 information from disclosure by the department does not apply to this  
24 subsection. From the list prepared under subsection (a), the department  
25 shall compile each month a list of the taxpayers subject to tax warrants  
26 that:

- 27 (1) were issued at least twenty-four (24) months before the date  
28 of the list; and  
29 (2) are for amounts that exceed one thousand dollars (\$1,000).

30 The list compiled under this subsection must identify each taxpayer  
31 liable for a warrant by name, address, and amount of tax. The  
32 department shall publish the list compiled under this subsection on  
33 accessIndiana (as ~~defined in IC 5-21-1-1.5~~ **established under**  
34 **IC 4-13-16.2**) and make the list available for public inspection and  
35 copying under IC 5-14-3. The department or an agent, employee, or  
36 officer of the department is immune from liability for the publication  
37 of information under this subsection.

38 (k) The department may not publish a list under subsection (j) that  
39 identifies a particular taxpayer unless at least two (2) weeks before the  
40 publication of the list the department sends notice to the taxpayer  
41 stating that the taxpayer:

- 42 (1) is subject to a tax warrant that:

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- 1 (A) was issued at least twenty-four (24) months before the date  
 2 of the notice; and  
 3 (B) is for an amount that exceeds one thousand dollars  
 4 (\$1,000); and  
 5 (2) will be identified on a list to be published on accessIndiana  
 6 unless a tax release is issued to the taxpayer under subsection (b).  
 7 (l) The department may not publish a list under subsection (j) after  
 8 June 30, 2006.

9 SECTION 41. IC 10-13-3-36 IS AMENDED TO READ AS  
 10 FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 36. (a) The department  
 11 may not charge a fee for responding to a request for the release of a  
 12 limited criminal history record if the request is made by a nonprofit  
 13 organization:

- 14 (1) that has been in existence for at least ten (10) years; and  
 15 (2) that:  
 16 (A) has a primary purpose of providing an individual  
 17 relationship for a child with an adult volunteer if the request  
 18 is made as part of a background investigation of a prospective  
 19 adult volunteer for the organization;  
 20 (B) is a home health agency licensed under IC 16-27-1;  
 21 (C) is a community mental retardation and other  
 22 developmental disabilities center (as defined in IC 12-7-2-39);  
 23 (D) is a supervised group living facility licensed under  
 24 IC 12-28-5;  
 25 (E) is an area agency on aging designated under IC 12-10-1;  
 26 (F) is a community action agency (as defined in  
 27 IC 12-14-23-2);  
 28 (G) is the owner or operator of a hospice program licensed  
 29 under IC 16-25-3; or  
 30 (H) is a community mental health center (as defined in  
 31 IC 12-7-2-38).

32 (b) Except as provided in subsection (d), the department may not  
 33 charge a fee for responding to a request for the release of a limited  
 34 criminal history record made by the division of family and children or  
 35 a county office of family and children if the request is made as part of  
 36 a background investigation of an applicant for a license under  
 37 IC 12-17.2 or IC 12-17.4.

38 (c) The department may not charge a fee for responding to a request  
 39 for the release of a limited criminal history if the request is made by a  
 40 school corporation, special education cooperative, or non-public school  
 41 (as defined in IC 20-10.1-1-3) as part of a background investigation of  
 42 an employee or adult volunteer for the school corporation, special

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education cooperative, or nonpublic school.

(d) As used in this subsection, "state agency" means an authority, a board, a branch, a commission, a committee, a department, a division, or another instrumentality of state government, including the executive and judicial branches of state government, the principal secretary of the senate, the principal clerk of the house of representatives, the executive director of the legislative services agency, a state elected official's office, or a body corporate and politic, but does not include a state educational institution (as defined in IC 20-12-0.5-1). The department may not charge a fee for responding to a request for the release of a limited criminal history if the request is made:

(1) by a state agency; and

(2) through the computer gateway that is administered by the ~~intelnet commission under IC 5-21-2~~ **information technology department** and known as accessIndiana.

(e) The department may not charge a fee for responding to a request for the release of a limited criminal history record made by the health professions bureau established by IC 25-1-5-3 if the request is:

(1) made through the computer gateway that is administered by the ~~intelnet commission under IC 5-21-2~~ **information technology department** and known as accessIndiana; and

(2) part of a background investigation of a practitioner or an individual who has applied for a license issued by a board (as defined in IC 25-1-9-1).

SECTION 42. IC 20-10.1-25-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. (a) The educational technology program and fund is established for the purpose of providing and extending educational technologies to elementary and secondary schools for:

(1) the 4R's technology grant program to assist school corporations (on behalf of public schools) in purchasing technology equipment:

(A) for kindergarten and grade 1 students, to learn reading, writing, and arithmetic using technology;

(B) for students in all grades, to understand that technology is a tool for learning; and

(C) for students in kindergarten through grade 3 who have been identified as needing remediation, to offer daily remediation opportunities using technology to prevent those students from failing to make appropriate progress at the particular grade level;

(2) providing educational technologies, including computers in

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the homes of students;

(3) conducting educational technology training for teachers; and

(4) other innovative educational technology programs.

(b) The department may also utilize money in the fund under contracts entered into with the ~~Indiana department of administration and the state data processing oversight commission~~ **information technology department** to study the feasibility of establishing an information telecommunications gateway that provides access to information on employment opportunities, career development, and instructional services from data bases operated by the state among the following:

(1) Elementary and secondary schools.

(2) Institutions of higher learning.

(3) Vocational educational institutions.

(4) Libraries.

(5) Any other agencies offering education and training programs.

(c) The fund consists of:

(1) state appropriations;

(2) private donations to the fund;

(3) money directed to the fund from the corporation for educational technology under IC 20-10.1-25.1; or

(4) any combination of the amounts described in subdivisions (1) through (3).

(d) The program and fund shall be administered by the department.

(e) Unexpended money appropriated to or otherwise available in the fund for the department's use in implementing the program under this chapter at the end of a state fiscal year does not revert to the state general fund but remains available to the department for use under this chapter.

(f) Subject to section 1.2 of this chapter, a school corporation may use money from the school corporation's capital projects fund as permitted under IC 21-2-15-4 for educational technology equipment.

SECTION 43. IC 20-10.1-25.6-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. As used in this chapter, "telecommunications services and equipment" includes all telecommunication services and equipment eligible for universal service fund discounts as described:

(1) in the federal Telecommunications Act of 1996 (P.L.104-104, 110 Stat. 56 (1996)) and applicable regulations or orders issued under that act;

(2) by the Indiana utility regulatory commission as allowed under the federal act; or

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(3) in the ~~intelenet commission~~ **information technology department** or state library technology grant programs.

SECTION 44. IC 20-10.1-25.6-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. The ~~intelenet commission~~, **information technology department**, with the department of education and the state library, shall coordinate available federal and state funds and funding mechanisms to accomplish full access to telecommunications services and equipment by all schools, libraries, and rural health care providers as defined in:

(1) the federal Telecommunications Act of 1996 (P.L.104-104, 110 Stat. 56 (1996)) and regulations or orders issued under that act; or

(2) any regulations or orders issued by the Indiana utility regulatory commission in fulfillment of the state's obligations under the act.

SECTION 45. IC 20-12-12-1 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 1. **(a) As used in this chapter, "electronic format" means a format using the most appropriate technological medium.**

**(b) As used in this chapter, "chief information officer" means the chief information officer of the information technology department appointed under IC 4-23-16-4.1.**

~~(a)~~ (c) The trustees of Indiana University, the trustees of Purdue University, the University of Southern Indiana board of trustees, Ball State University board of trustees, Indiana State University board of trustees, the board of trustees of Vincennes University, the board of trustees of Ivy Tech State College, and the board of directors of the independent colleges and universities of Indiana (referred to collectively in this chapter as the universities) are authorized, if they find the need exists for a broad dissemination of a wide variety of educational communications for the improvements and the advancement of higher educational opportunity, to jointly arrange from time to time, for a period not exceeding ten (10) years, for ~~intelenet~~ **services under IC 5-21 provided by the information technology department** and for the use of a multipurpose, multimedia, closed circuit, statewide telecommunications system furnished by communications common carriers subject to the jurisdiction of the utility regulatory commission to interconnect the main campuses and the regional campuses of the universities and centers of medical education and service.

~~(b)~~ **(d)** In addition to the closed circuit statewide telecommunications system described in subsection ~~(a)~~, (c), the

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universities shall establish, in accordance with federal copyright law, ~~a videotape program~~ **an electronic format** to provide for the advancement of higher education opportunity and individualized access to higher education programs. As part of the program, the universities may make available a wide variety of higher education courses in ~~videotape form~~ **electronic format**. The universities shall make ~~the videotapes~~ **information in an electronic format** available to the public by any means of public or private distribution that they determine to be appropriate, including sale or lease. The universities may determine policy and establish procedures in order to administer this program. The universities shall maintain and keep current a listing of all ~~videotapes~~ **information in an electronic format**.

~~(c)~~ **(e)** The transmission system shall be for the exclusive use of the universities. However, the universities may permit the use of the transmission system, or any portion of the transmission system, by others under section 4 of this chapter.

SECTION 46. IC 20-12-12-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 2. (a) The transmission system described in ~~section 1(a)~~ **section 1(c)** of this chapter must be designed to permit the installation of additional capacity and coverage as accumulating communication needs of higher education may require. The system must be capable of transmitting high fidelity television signals, high fidelity sound signals, data signals for computer communications, and voice traffic, and must include control circuits.

(b) The arrangements for the use of the system may be upon terms and conditions as the universities determine are necessary, proper, or desirable.

(c) No plan or arrangements for the use of the telecommunications system may be adopted or entered into under this chapter without the specific approval of the ~~governor, the state budget committee, and the state budget agency~~ **chief information officer**.

SECTION 47. IC 20-12-12-3 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 3. (a) The universities shall establish a coordinating unit or other body composed of persons that the universities select. **The chief information officer is a member of any coordinating unit created under this section.** This committee or other body has the authority to administer and supervise the use of the transmission system and the ~~videotape program~~ **information in electronic format** described in section 1 of this chapter as may be from time to time delegated to it by the universities. The universities shall have equal representation on the coordinating unit or body.

(b) There must also be an advisory council of representatives of

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users of the transmission system, **which must include the chief information officer.**

SECTION 48. IC 20-12-12-4 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 4. (a) Any arrangements for the use of the telecommunications system or the ~~videotape program~~ **information in electronic format** described in section 1 of this chapter must provide that the universities, or any committee or other body established under section 3 of this chapter (if the power is so delegated to them), may permit any of the following entities to use the telecommunications system or the ~~videotape program~~ **information in electronic format** for educational purposes:

- (1) Institutions of higher education.
- (2) Governmental or public corporations or bodies.
- (3) Other corporations.
- (4) Partnerships.
- (5) Associations.
- (6) Trusts.
- (7) Limited liability companies.
- (8) Other persons.

**(b) Use by an entity other than an entity described in subsection (a)(1) or (a)(2) may be permitted only if there is a finding by a coordinating unit or body established under section 3 of this chapter that no other provider of the services is available, or that using another provider would create a hardship on the user.**

~~(b)~~ (c) Any use permitted under this section is subject to the rules, regulations, fees, and charges as the universities, committee, or other body may prescribe.

~~(c)~~ (d) Each entity that uses the transmission system is responsible for the origination of the program to be transmitted by that entity and for the reception and utilization of the program at the destination.

~~(d)~~ (e) The payment of all costs in excess of the cost of the use of the transmission system facilities and the ~~videotape program~~ **information in electronic format** shall be borne by the parties using the system as agreed upon.

SECTION 49. IC 20-12-12-5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 5. (a) In connection with the use of the telecommunications system, the ~~videotape program~~ **information in electronic format** described in section 1 of this chapter, or any other related matter, the universities may accept gifts or contributions from individuals, corporations, limited liability companies, partnerships, associations, trusts, or foundations and may accept funds under terms and conditions that the universities determine

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are necessary or desirable from any federal agency.

(b) The universities may enter into and carry out contracts and agreements in connection with this chapter. **All contracts and agreements entered into must be approved by the coordinating unit established by section 3(a) of this chapter.**

SECTION 50. IC 20-12-12-6 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6. (a) A special and distinct fund is hereby created to be known as the higher education statewide telecommunications fund. Expenditures from the fund may be made only for the following:

(1) Payments by the universities for the use of a telecommunications system or the lease, purchase, rental, or production of a ~~videotape program~~ **information in an electronic format** as provided in this chapter.

(2) Studies regarding the possibilities of extending the use of the telecommunications system described in ~~section 1(a)~~ **section 1(c)** of this chapter to other colleges and universities in Indiana and of extending the use of the system for post-high school and other educational uses.

(3) The expenses of coordinating, planning, and supervising the use of the telecommunications system, and the ~~videotape program~~ **information in electronic format.**

(4) Equipment for the originating and receiving of instructional communication and educational information by means of the telecommunications system and the ~~videotape program~~ **information in electronic format.**

(b) The state auditor shall pay, as needed, from the fund amounts to the trustees of Indiana University as agent for the universities. The trustees of Indiana University as the agent shall apply the funds to the payment of items as payment becomes due from the higher education statewide telecommunications fund.

SECTION 51. IC 22-4-19-6.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 6.5. (a) The department may make available through the enhanced electronic access system established by the ~~intelenet commission under IC 5-21~~ **information technology department** secure electronic access for creditors to employer provided information on the amount of wages paid by an employer to an employee.

(b) The enhanced electronic access system established by the ~~intelenet commission under IC 5-21~~ **information technology department** may enter into a contract with one (1) or more private entities to allow private entities to provide secure electronic access to

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1 employer provided information held by the department on the amount  
2 of wages paid by an employer to an employee.

3 (c) A creditor may obtain wage report information from a private  
4 entity if the creditor first obtains written consent from the employee  
5 whose information the creditor seeks to obtain. A creditor that has  
6 entered into a contract with the enhanced electronic access system must  
7 retain a written consent received under this section for at least three (3)  
8 years or for the length of the loan if the loan is for less than three (3)  
9 years.

10 (d) Written consent from the employee must include the following:

11 (1) A statement that the written consent is the authorization for  
12 the creditor to obtain information on the employee's employment  
13 and wage history.

14 (2) A statement that the information is obtained solely for the  
15 purpose of reviewing a specific application for credit.

16 (3) Notification that state agency files containing employment and  
17 wage history will be accessed to provide the information.

18 (4) A listing of all parties that will receive the information  
19 obtained.

20 (e) Information under this section may only be released to a creditor  
21 for the purpose of satisfying the standard underwriting requirements of  
22 the creditor or a client of the creditor for one (1) credit transaction per  
23 employee written consent.

24 (f) The costs of implementing and administering the release of  
25 information must be paid by the private entity or entities that contract  
26 with the enhanced electronic access system established by the ~~intelenet~~  
27 ~~commission under IC 5-21-~~ **information technology department.**

28 (g) For employee information under this section, a private entity that  
29 enters a contract with the enhanced electronic access system  
30 established by the ~~intelenet commission under IC 5-21-~~ **information**  
31 **technology department** for release of employee information must  
32 comply with:

33 (1) the Fair Credit Reporting Act (15 U.S.C. 1681 et seq.);

34 (2) all state and federal privacy laws; and

35 (3) the rules regarding the release of information adopted by the  
36 United States Department of Labor.

37 (h) A private entity that has entered into a contract with the  
38 enhanced electronic access system under subsection (b) must maintain  
39 a consent verification system that audits at least five percent (5%) of  
40 daily transactions and must maintain a file of audit procedures and  
41 results.

42 (i) A person who violates this section commits a Class A infraction.

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SECTION 52. IC 24-3-5.4-14 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 14. (a) Not later than July 1 of each year, the attorney general shall make available to the public by publishing on accessIndiana (as ~~defined in IC 5-21-1-1.5~~) **established under IC 4-13-16.2**) a directory listing all brand families listed in certifications filed under section 13 of this chapter.

(b) A directory described in subsection (a) shall not include the name or brand families of a nonparticipating manufacturer:

- (1) that fails to comply with section 13 of this chapter; or
- (2) whose certification fails to comply with section 13(c) or 13(e) of this chapter, unless the attorney general determines that the failure has been remedied.

(c) The directory may not include a tobacco product manufacturer or a brand family if the attorney general concludes that:

- (1) in the case of a nonparticipating manufacturer, all escrow payments required under IC 24-3-3-12 for any period for any brand family, whether or not listed by the nonparticipating manufacturer, have not been fully paid into a qualified escrow fund governed by a qualified escrow agreement that has been approved by the attorney general; or
- (2) all outstanding final judgments, including interest on the judgments, for violations of IC 24-3-3 have not been fully satisfied for the tobacco product manufacturer or brand family.

(d) The attorney general shall update the directory as necessary to correct mistakes or to add or remove a tobacco product manufacturer or brand family to keep the directory in conformity with the requirements of this chapter.

(e) The attorney general shall post in the directory and transmit by electronic mail or other means to each distributor or stamping agent notice of any removal from the directory of a tobacco product manufacturer or brand family not later than thirty (30) days before the attorney general removes the tobacco product manufacturer or brand family from the directory.

(f) Unless otherwise provided in an agreement between a tobacco product manufacturer and a distributor or stamping agent, a distributor or stamping agent is entitled to a refund from a tobacco product manufacturer for any money paid by the distributor or stamping agent to the tobacco product manufacturer for any cigarettes of the tobacco product manufacturer or brand family that:

- (1) are in the possession of the distributor or stamping agent on;
- or
- (2) the distributor or stamping agent receives from a retailer after;

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the date on which the tobacco product manufacturer or brand family is removed from the directory.

(g) Unless otherwise provided in an agreement between a retailer and a distributor, stamping agent, or tobacco product manufacturer, a retailer is entitled to a refund from a distributor, stamping agent, or tobacco product manufacturer for any money paid by the retailer to the distributor, stamping agent, or tobacco product manufacturer for any cigarettes of the tobacco product manufacturer or brand family that are in the possession of the retailer on the date on which the tobacco product manufacturer or brand family is removed from the directory.

(h) The attorney general shall not restore a tobacco product manufacturer or brand family to the directory until the tobacco product manufacturer pays a distributor, stamping agent, or retailer any refund due under subsection (f) or (g).

(i) A distributor or stamping agent shall provide and update as necessary an electronic mail address to the attorney general for purposes of receiving a notification required by this chapter.

SECTION 53. IC 25-1-5-10 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2005]: Sec. 10. (a) As used in this section, "provider" means an individual licensed, certified, registered, or permitted by any of the following:

- (1) Board of chiropractic examiners (IC 25-10-1).
- (2) State board of dentistry (IC 25-14-1).
- (3) Indiana state board of health facility administrators (IC 25-19-1).
- (4) Medical licensing board of Indiana (IC 25-22.5-2).
- (5) Indiana state board of nursing (IC 25-23-1).
- (6) Indiana optometry board (IC 25-24).
- (7) Indiana board of pharmacy (IC 25-26).
- (8) Board of podiatric medicine (IC 25-29-2-1).
- (9) Board of environmental health specialists (IC 25-32-1).
- (10) Speech-language pathology and audiology board (IC 25-35.6-2).
- (11) State psychology board (IC 25-33).
- (12) Indiana board of veterinary medical examiners (IC 15-5-1.1).
- (13) Indiana physical therapy committee (IC 25-27).
- (14) Respiratory care committee (IC 25-34.5).
- (15) Occupational therapy committee (IC 25-23.5).
- (16) Social worker, marriage and family therapist, and mental health counselor board (IC 25-23.6).
- (17) Physician assistant committee (IC 25-27.5).
- (18) Indiana athletic trainers board (IC 25-5.1-2-1).

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(19) Indiana dietitians certification board (IC 25-14.5-2-1).

(20) Indiana hypnotist committee (IC 25-20.5-1-7).

(b) The bureau shall create and maintain a provider profile for each provider described in subsection (a).

(c) A provider profile must contain the following information:

(1) The provider's name.

(2) The provider's license, certification, registration, or permit number.

(3) The provider's license, certification, registration, or permit type.

(4) The date the provider's license, certification, registration, or permit was issued.

(5) The date the provider's license, certification, registration, or permit expires.

(6) The current status of the provider's license, certification, registration, or permit.

(7) The provider's city and state of record.

(8) A statement of any disciplinary action taken against the provider within the previous ten (10) years by a board or committee described in subsection (a).

(d) The bureau shall make provider profiles available to the public.

(e) The computer gateway administered by the ~~intelenet commission~~ **under IC 5-21-2 information technology department** and known as accessIndiana shall make the information described in subsection (c)(1), (c)(2), (c)(3), (c)(6), (c)(7), and (c)(8) generally available to the public on the Internet.

(f) The bureau may adopt rules under IC 4-22-2 to implement this section.

SECTION 54. THE FOLLOWING ARE REPEALED [EFFECTIVE JULY 1, 2005]: IC 4-23-16-1; IC 4-23-16-2; IC 4-23-16-3; IC 5-21; IC 5-22-2-13.9; IC 34-30-2-16.

SECTION 55. [EFFECTIVE JULY 1, 2005] (a) **After June 30, 2005, a reference in any law, rule, contract, or other document or record to:**

**(1) the division of information technology of the Indiana department of administration;**

**(2) the information technology oversight commission;**

**(3) the intelenet commission; or**

**(4) the enhanced data access review committee;**

**shall be treated as a reference to the information technology department established by IC 4-23-16-1.5, as added by this act.**

**(b) On July 1, 2005, the property and obligations of:**

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1           (1) the division of information technology of the Indiana  
 2           department of administration;  
 3           (2) the information technology oversight commission;  
 4           (3) the intelenet commission; and  
 5           (4) the enhanced data access review committee;  
 6           are transferred to the information technology department  
 7           established by IC 4-23-16-1.5, as added by this act.

8           (c) An action taken by:

9           (1) the division of information technology of the Indiana  
 10           department of administration;  
 11           (2) the information technology oversight commission;  
 12           (3) the intelenet commission; or  
 13           (4) the enhanced data access review committee;  
 14           before July 1, 2005, shall be treated after June 30, 2005, as if the  
 15           action had been taken originally by the information technology  
 16           department established by IC 4-23-16-1.5, as added by this act.

17           (d) On July 1, 2005, the funds that are in:

18           (1) the telephone rotary fund;  
 19           (2) the data processing rotary fund; and  
 20           (3) any accounts of the intelenet commission;  
 21           shall be transferred to the telephone rotary fund and the data  
 22           processing rotary fund administered by the information technology  
 23           department under IC 4-23-16-1.7, as added by this act.

24           (e) On July 1, 2005, individuals who were employees of:

25           (1) the division of information technology of the Indiana  
 26           department of administration;  
 27           (2) the information technology oversight commission;  
 28           (3) the intelenet commission; or  
 29           (4) the enhanced data access review committee;  
 30           on June 30, 2005, become employees of the information technology  
 31           department established by IC 4-23-16-1.5, as added by this act.

32           (f) This SECTION expires July 1, 2006.

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